

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BARBARA DOWNZ <i>Plaintiff,</i> v. CITIZENS BANK, N.A. <i>Defendant.</i>	CIVIL ACTION NO. 24-1529
---	---------------------------------

ORDER RE MOTION TO DISMISS

AND NOW, this 18th day of November 2024, upon consideration of Defendant Citizens Bank's Motion to Dismiss (ECF 19), Plaintiff's response thereto (ECF 22), and Defendant's reply (ECF 23), for the reasons stated in the foregoing memorandum, it is hereby **ORDERED** that Defendant's Motion (ECF 19) is **GRANTED IN PART** and **DENIED IN PART**.

1. Defendant's Motion is **DENIED** with respect to Count 1 of the Amended Complaint for negligence.
2. Defendant's Motion is **GRANTED** with respect to Count 2 of the Amended Complaint for negligence per se, which is **DISMISSED WITH PREJUDICE**.
3. Defendant's Motion is **DENIED** with respect to Count 3 of the Amended Complaint for violation of the unfair trade practices and consumer protection law.
4. Defendant's Motion is **DENIED** with respect to Count 4 of the Amended Complaint for aiding and abetting fraud.
5. Defendant's Motion is **DENIED** with respect to Count 5 of the Amended Complaint for breach of contract.

BY THE COURT:

/s/ Michael M. Baylson

MICHAEL M. BAYLSON, U.S.D.J.

\\adu.dcn\paed\PHL-DATA\Judge_Baylson\CIVIL 24\24-1529 Downz v Citizens Bank\24-1529 Order re MTD.docx